IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

WEDNESDAY, THE 14TH MARCH 2007 / 23RD PHALGUNA 1928

W.P(C).No. 1508 of 2007(D)

OS.178/2002 of MUNSIFF-MAGISTRATE COURT, MANNARKKAD
(I.A.227/06 OF SUBORDINATE COURT, OTTAPALAM)

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PETITIONER:

MOHAMMED, AGED 39,
S/O.MOIDU KARUTHANCHOLA, THACHANATTUKARA,
MANNARKAD, PALAKKAD.

BY ADV. SRI.G.SREEKUMAR (CHELUR)
SRI.K.V. NARAYANAN

RESPONDENTS:

JUSSAIN, AGED 30, S/O.SRAJU HAJI,
THACHANATUKARA, THOTTUNGAL HOUSE,
MANNARKAD, PALAKKAD.

BY ADV. SRI.SURAJ.S
SRI.M.B.PRAJITH
SRI.JAMES ABRAHAM (VILAYAKATTU)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

Ext.P1: True copy of the judgment in O.S.178/02 dated 7.6.04 on the file of the Munsiff-Magistrate Court, Mannarkad.

Ext.P2: True copy of the I.A.517/04 in O.S.178/02 on the file of the Munsiff Magistrate Court, Mannarkad dated 7.7.2004.

Ext.P3: True copy of the order passed in I.A.517/04 in O,S,178/02 dated 13.6.2005.

Ext.P4: True copy of the order passed in I.A.227/06 in unnumbered CMA of 06 dated 1/12/06 subordinate judges court, Ottapalam.

// True copy //

P.A. to Judge

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K.P.BALACHANDRAN, J.

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W.P.(C)NO.1508 OF 2007

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Dated this the 14th day of March 2007

JUDGMENT

Heard arguments of both sides. Both sides are agreeable to have the ex parte decree set aside on payment of costs of a reasonable sum. Considering the entire circumstances of the case as evidenced from the records produced before me, I order that the ex parte decree passed in O.S.178/02 on the file of the Munsiff's Court, Mannarkad shall stand set aside in case an amount of Rs.1,500/- is paid or deposited for payment to the respondent/plaintiff before the trial court positively, within one month from today. In case of failure, the dismissal of I.A.517/04 by the courts below vide Exts.P3 and P4 orders shall stand confirmed.

This writ petition is disposed of as above.

K.P.BALACHANDRAN, JUDGE

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